

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

Name: NICKERSON MICHAEL ✓  
 (Last) (First) (Middle Initial)

Prisoner Number: F-77522

Institutional Address: SAN JUAN STATE PRISON S-N-6620W  
SAN JUAN, CA. 94974

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**FILED****MAR 12 2021**

MICHAEL VAUGHN NICKERSON  
 (Enter your full name.)

vs.

RON BROOMFIELD, ET AL,  
DEFENDANTS

(Enter the full name(s) of the defendant(s) in this action.)

SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTH DISTRICT OF CALIFORNIA

Case No. 20-06326 EJD (PR)  
 (Provided by the clerk upon filing)

**COMPLAINT UNDER THE  
 CIVIL RIGHTS ACT,  
 42 U.S.C. § 1983**

**AMENDED COMPLAINT****I. Exhaustion of Administrative Remedies.**

**Note:** You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement SAN JUAN STATE PRISON

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: 8563 JUNE-20-20 DENIED

2. First formal level: 8563 AUGUST 26, 20

NEVER ANSWERED BY OFFICE OF APPEALS

3. Second formal level: \_\_\_\_\_

4. Third formal level: \_\_\_\_\_

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☐ NO ☒

F. If you did not present your claim for review through the grievance procedure, explain why.

I DID NOT GO TO THE LAST LEVELS DUE TO STAFF NOT  
ANSWERING APPEALS IN A TIMELY FASHION

## II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

MICHAEL VAUGHN NICKERSON F-77522

SAN QUENTIN STATE PRISON SN-66 LOW

SAN QUENTIN, CA. 94974

B. For each defendant, provide full name, official position and place of employment.

RON BLOOMFIELD, WARDEN SAN QUENTIN

JACKIE CLARK, CEO SAN QUENTIN

KATHLEEN ALYSON DIRECTOR OF CORRECTION

SAN QUENTIN STATE PRISON

CALIFORNIA DEPT OF CORRECTIONS

### III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

1) THE DELIBERATE INDIFFERENCE TO MEDICAL NEEDS VIOLATED  
PLAINTIFF MICHAEL NICKERSON'S EIGHTH AMENDMENT RIGHTS TO  
BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT AND THERE'S  
NO ADEQUATE REMEDY FROM DEFENDANT TO REDRESS THE WRONGS.  
AND PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY  
INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS  
COURT GRANTS RELIEF WHICH PLAINTIFF SEEKS.  
 2.) THE WARDEN AND DIRECTOR WERE AWARE OF THE DANGERS  
AND SAN JOSE STATE BEING INADEQUATE TO KEEP INMATES SAFE DUE  
TO OLD UNVENTILATED BUILDINGS, NO PPE AND ROOM FOR  
SOCIAL DISTANCE, NO TESTING PROTOCOLS IN PLACE AND OVER  
CROWDING.

### IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN  
VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND OF THE  
UNITED STATES. COMPENSATORY DAMAGES IN THE AMOUNT OF 1 MILLION \$  
DOLLARS PUNITIVE DAMAGES IN THE AMOUNT OF 200 THOUSAND \$ A JURY  
TRIAL ON ALL ISSUES TRIABLE, PLAINTIFF COSTS AND ALL ADDITIONAL  
RELIEF THIS COURT DEEMS JUST

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: MARCH 8, 2021

Date

Michael V. Nickerson

Signature of Plaintiff



III. STATEMENT OF CLAIM.

CASE NO. 20-06326-EJD (PR)

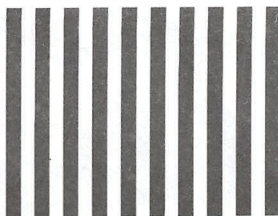
- 3) IN MARCH OF 2020 SAN QUENTIN WENT ON QUARANTINE AND THE INMATE POPULATION REQUESTED PPE AND COMPLAINED ABOUT NOT BEING ABLE TO SOCIAL DISTANCE, HAVE ADEQUATE RECREATION AND SHOWERS. AT THE TIME MEDICAL STAFF DID RISK ASSESSMENTS OF HEALTH ISSUES DUE TO AGE, ETHNICITY AND RISK OF BECOMING SERIOUSLY ILL SO THAT CDCR COULD INFORM THE PUBLIC OF POSSIBLE RELEASES FROM JUDGE TIGAR'S ORDER OF POPULATION REDUCTION.
- 4) NONE OF THE ORDERS OR RECOMMENDATIONS WERE ADHERED TO AND AS A RESULT NUMEROUS LIVES WERE LOST AND OVER 2,000 OF THE INMATES GOT SICK WITH COVID. I USED THE APPEAL PROCESS TO ADDRESS MY CONCERNS AND PRISON OFFICIALS DID NOT ACT UNTIL INMATES STARTED DYING. I ASKED FOR PPE AND WHEN IT WAS NOT GIVEN I ASKED FOR RELEASE BEFORE CONTRACTING COVID REQUEST WAS DENIED.
- 5) ON MAY 31, 2020 121 INMATES TRANSFERRED FROM CHINO PRISON SOME POSITIVE FOR COVID WHICH WAS KNOWN BY BOTH PRISONS AND MEDICAL STAFF, WHO SOMETIMES WORKED IN DIFFERENT AREAS OF THE FACILITY ON DIFFERENT SHIFTS MAKING IT ALL BUT IMPOSSIBLE TO INMATES UNINFECTED.
- 6) I WROTE MEDICAL TO ASK IF I TESTED POSITIVE DUE TO SYMPTOMS OF HEADACHE, PROBLEMS BREATHING, SLEEPING, SORE JOINTS AND SWOLLEN LEGS, IT TOOK OVER 3 MONTHS FOR A RESPONSE THAT CAME BACK AS POSITIVE, SINCE THEN I'VE BECOME A PRE-DIABETIC ONE POINT AWAY AND HAVE HAD TO BE PUT ON BLOOD PRESSURE MEDS, I HAVE BLOOD CLOTS THAT ARE VISIBLE, I AM STILL WAITING FOR A BIOPSY AND MRI 5 MONTHS AFTER INITIAL VISIT.
- 7) MY COMPLICATIONS CONTINUE, I STILL HAVE DAILY MIGRAINES, CONSTANT NOSE BLEEDS TO WHICH I WAS TOLD PUT IN A MEDICAL SLIP IF THEY CONTINUE, ACHING JOINTS, EXTREME HIGH BLOOD PRESSURE AND DAMAGED KIDNEYS AND SLEEPING DISORDER ALL POST COVID.

MICHAEL NICKERSON F-77522  
SAN JOAQUIN STATE PRISON SN-462  
SAN JOAQUIN, CA 943974

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300



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MAR 12 2021

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US DISTRICT COURT

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CLERK, US DISTRICT COURT

NORTH DISTRICT



ATTENTION LEGAL MAIL

18-015  
*[Handwritten signature]*